

### **REMARKS**

The Official Action mailed September 26, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 5, 2002; October 30, 2002; November 11, 2004; and February 24, 2006.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-80 were pending in the present application prior to the above amendment. Claims 45, 59, 61 and 75 have been canceled without prejudice or disclaimer. Claims 1-9, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74 and 76 have been withdrawn from consideration by the Examiner (page 2, Paper No. 20060824). Accordingly, claims 10, 11, 13, 15, 17, 19, 21, 23, 25-27, 29, 31, 33, 35, 38, 39, 41, 43, 47, 49, 51, 53, 55, 57, 63, 65, 67, 69, 71, 73 and 77-85 are currently elected, of which claims 10, 47, 49, 67 and 78 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

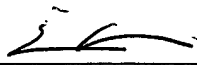
The Official Action rejects claims 10, 15, 41, 45, 47, 49, 55, 57, 59, 61, 67, 73, 75 and 78 under statutory type (35 U.S.C. §101) double patenting based on claims 1, 8 and 9 of U.S. Patent No. 7,052,943 to Yamazaki. That is, the Official Action is asserting that the present claims are coextensive in scope and claim the same invention as claims 1, 8 and 9 of Yamazaki '943. It is noted that claim 1 of Yamazaki '943 recites "forming a second semiconductor film containing a rare gas element in a concentration of  $1 \times 10^{19}$  to  $1 \times 10^{22}/\text{cm}^3$ ." Dependent claims 45, 59, 61 and 75 of the present application recite that "the second semiconductor film comprises a noble gas element at a concentration of  $1 \times 10^{19}$  to  $1 \times 10^{22}/\text{cm}^3$ ." In response, dependent claims 45, 59, 61

and 75, which depend from independent claims 10, 47, 49 and 67, respectively, have been canceled without prejudice or disclaimer. Also, independent claim 78 and none of the claims which depend from claim 78 recite this feature. Therefore, remaining claims 10, 15, 41, 47, 49, 55, 57, 67, 73 and 78 of the present application are not coextensive in scope and do not claim the same invention as claims 1, 8 and 9 of Yamazaki '943.

The Official Action rejects claims 10, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 47, 49, 51, 53, 55, 57, 63, 65, 67, 69, 71, 73 and 77-85 under the doctrine of obviousness-type double patenting over claims 20-24, 27-31, 33 and 35 of U.S. Patent No. 6,808,968 to Yamazaki. In response to this rejection, a *Terminal Disclaimer* is submitted herewith. Upon filing of this *Terminal Disclaimer*, the claims of the present invention are now believed to be in condition for allowance. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789